

REMARKS

In an Office Action dated March 7, 2007, the Examiner rejected claims 1 and 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2004/0176072 A1 (Gellens) in view of U.S. Patent 6,393,288 (Sollee); rejected claims 2-3 and 14-15 under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of Sollee and U.S. Patent 6,975,876 (Cast); rejected claims 4-5 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of Sollee and U.S. Patent Publication 2002/0168978 (Molnar); rejected claims 6, 8 and 18 under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of Sollee and U.S. Patent 6,819,932 (Allison); and rejected claims 7, 9-12 and 19-20 under 35 U.S.C. 103(a) as being unpatentable over Gellens in view of Sollee and U.S. Patent Publication 2005/0020289 (Kim). Applicant respectfully disagrees with the grounds for the Examiner's rejection and will concentrate on the two independent claims, claims 1 and 13.

As Applicant has stated in the Background of the Invention:

While various filtering arrangements have been made available for e-mail only the most primitive arrangements for filtering are available for short message service (SMS) and multimedia message service (MMS). [Emphasis added]
[Page 1, lines 13-15]

Applicant has solved this problem as stated in the Summary of the Invention:

The above problem is solved and an advance is made over the prior art in accordance with this invention wherein a short message service center or a multimedia message service center perform screening based on information provided by a service provider (carrier) for an SMS/MMS terminal for both originating and terminating screening of SMS/MMS calls.
[Page 1, line 31 - page 2, line 3]

Applicant's teaching as recited in the claims based on Applicant's disclosure is different from the teachings of Gellens, the primary reference. Gellens' teachings are for an e-mail system. An e-mail system operates by providing two separate connections: a first connection from the caller to an e-mail server, controlled by the caller, and a second connection, from the e-mail server to the called party, made at the convenience of and controlled by the called party. Applicant's teachings refer to a single call connection from caller to called party.

Paragraphs 37 and 38 of Gellens refer to this e-mail system. The e-mail server conveniently provides storage and as much time buffering as the process requires, to allow the screening process to proceed including a search for black list sources for blocking e-mail messages from such sources. For the Examiner's convenience, paragraphs 37 and 38 are presented herein.

[0037] Referring to FIG. 3, a diagram illustrating the filtering and delivery of e-mail messages which are addressed to a particular recipient in accordance with one embodiment is shown. As depicted in this figure, e-mail messages that are addressed to a user associated with mobile station 24 are initially delivered to an e-mail server 26. E-mail server 26 is typically centralized within a carrier's network and serves multiple base stations. In this embodiment, messages are delivered by server 26 through base station 22 to mobile station 24. E-mail server 26 is configured to apply a set of filtering rules to the received e-mail messages and to handle these messages in accordance with the filtering rules. [Emphasis added].

[0038] In one embodiment, e-mail server 26 performs triage on the received e-mail messages. That is, the filtering process results in one of three actions by e-mail server 26. First, the message may be forwarded immediately, in its entirety, to an e-mail client 28 within mobile station 24. Second, summary or preview information corresponding to the message may be forwarded to e-mail client 28. Finally, the message may simply be deleted by e-mail server 26 without ever having delivered the message to e-mail client 28. For the purposes of this disclosure, messages that are immediately forwarded to e-mail client 28 are referred to as "wanted" messages. Messages for which summary information is transmitted to e-mail client 28 are referred to herein as "preview" messages. Messages that are deleted by e-mail server 26 without further inquiry are referred to herein as "unwanted" messages.

In contrast, Applicant has recited in claim 1:

A method of screening a Short Message Service (SMS) or Multimedia Message Service (MMS) call in an SMS or MMS center, comprising the steps of:
responsive to receipt of an SMS or MMS call in a SMS or MMS center for serving a calling party of said call, determining whether said calling party may attempt to complete said call;
...determining in a SMS or MMS center for serving a called party of said call whether said called party of said call is willing to accept calls from said calling party;.... [Emphasis added]

At the time this application was filed, there was no service known to the inventor which performed the type of originating and terminating screening recited in claim 1 for a call

i.e., one connection, even though as admitted in the Background of the Invention, screening of e-mail messages was known.

Sollee also does not provide this key teaching. Sollee relates to fixed wireless communication networks. In these networks, most wireless calls are made from and to the permanent locations (home or office) of the calling parties. The Sollee disclosure relates to the interception of calls to a called party who is not at the permanent location and whose class of service may or may not provide for completion of calls, depending on the present location of the called party. The disclosure is limited to screening of incoming calls. Fig. 1 shows, at step 1, that the call comes from a fixed network and is announced by an IAM (Initial Address Message). This is not a case of determining, in an SMS or MMS center for serving a calling party, determining whether the calling party may attempt to complete the call. Specifically the cited sections recite:

With reference to FIG. 1, upon a call termination from the fixed network 12 to GMSC [Gateway Mobile Switching Center] 14, the GMSC 14 determines if the called number is a HomeZone type number. This is preferably done by ascertaining call data e.g. prefix digits provided with a call termination from the fixed network 12, although other methods are possible. The GMSC 14 then queries the SCP [service control point] 32 to determine if the termination is allowed to the intended MS [Main Station] 18.
[US 6,393,288 B1, column 4, lines 25-32]

The HLR [Home Location Register] 30 then sends the LAC [Location Area Code] and Cell ID [identity] to the SCP 32, which then instructs the GMSC 14 if and how to route the call to the MS 18. For example, if the SCP 32 determines the MS 18 is in one of its HomeZones 22, the call will be terminated to the MS 18. If, however, the MS 18 is determined to be outside its HomeZones 22, the call may be forwarded to the voicemail associated with MS 18, or, terminated to an associated wireless phone number, e.g., MSISDN [Mobile Station Directory Number] number, associated with the MS 18 wherein the subscriber is billed at the wireless rate, which is usually higher than the wireline rate.
[US 6,393,288 B1, column 4, lines 55-62]

Further, as basically admitted by the Examiner, Sollee does not on its own teach the subject matter of Applicant's invention, namely, the provision of originating and terminating screening for a call. Alternatively, Sollee does not add a teaching to Gellens, because it does not relate to e-mail, and does not improve the performance of e-mail processing, the subject matter of Gellens.

Finally, Applicant submits that there is no indication of an inadequacy in Gellens which would cause an engineer to search for the type of teaching arguably provided by Sollee. Applicant respectfully submits that the search for a teaching of the type provided by Sollee could only be stimulated by the teachings of Applicant's invention.

The grounds for rejecting claim 13 are essentially the same as the grounds for rejecting claim 1.

Accordingly, Applicant respectfully submits that the grounds for the Examiner's rejection of claims 1 and 13 have been overcome and that these claims should be held allowable. Claims 2-12, dependent from claim 1, and claims 14-20, dependent from claim 13, should therefore be held allowable as being dependent from an allowable independent claim.

Applicant therefore requests that the Examiner reconsider the grounds for the rejection of claims 1-20, allow these claims and pass the application to issue.

If the Examiner feels that a voice or fax contact would help to advance the prosecution of this application, he is invited to contact Applicant's attorney at telephone number 630 469-3575.

Respectfully submitted

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